

Report to the Joint Committee on Administrative Rules
From the Board of Trustees for the
Petroleum Storage Tank Insurance Fund
May 25, 2022

Each rule was evaluated using the eight criteria in § 536.175, RSMo. The results are presented below:

10 CSR 100-1.010 Organization

- 1) The rule is still necessary; it contains information the board is required by law to publish.
- 2) Though it has been in effect since 1999, the rule is not obsolete.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) Not applicable; the rule imposes no requirements.
- 6) The one statutory citation in the rule is accurate; no other text is incorporated by reference.
- 7) The rule assists small businesses and others in understanding the governance structure of the Petroleum Storage Tank Insurance Fund and how to request information.
- 8) No comments were received.

10 CSR 100-2.010 Definitions

- 1) The rule is necessary.
- 2) The rule was last amended in 2018 to define and clarify certain terms in the board's other rules. The rule is not obsolete.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) Not applicable; the rule imposes no regulatory burden.

6) The citations to § 319.100, RSMo, § 319.114, RSMo, §§ 319.131.9 and .10, RSMo, Chapter 414, RSMo, and § 414.036, RSMo, are correct. Citations to certain federal statutes are correct. No other text is incorporated by reference.

7) The rule assists small businesses and others in understanding the operations of the Board of Trustees of the Petroleum Storage Tank Insurance Fund.

8) No comments were received.

10 CSR 100-3.010 Transport Load Fee

1) The rule encapsulates information found in statute about the Board of Trustees, its authority to impose this fee, statutory limitations on the fee, and the board's responsibilities. While the Board of Trustees could still operate under its statutory authority if this rule did not exist, it is the board's judgment that retaining the rule is helpful to the public.

2) The rule is not obsolete.

3) The rule does not overlap with, duplicate, or conflict with any other rules.

4) No alternative language or means of more narrowly tailoring the rule were identified.

5) The rule imposes no requirements beyond the explicit statutory requirement to pay the fee.

6) Statutory citations in the rule are accurate; no other text is incorporated by reference.

7) The rule imposes no requirements on small businesses beyond the statutory requirement to pay the fee.

8) No comments were received.

10 CSR 100-4.010 Participation Requirements for Underground Storage Tanks

1) The rule is necessary to explain how owners and operators of underground storage tanks can obtain coverage from the board.

2) The rule was last amended in 2018. It is not obsolete.

3) The rule does not overlap with, duplicate, or conflict with any other rules.

4) No alternative language or means of more narrowly tailoring the rule were identified.

5) Subsections (2)(D) and (E) of the rule specifies what documents must be submitted by UST owners/operators to obtain coverage and/or renew it annually. The board has

been diligent about coordinating its paperwork requirements with the DNR to avoid duplication. The board will continue to coordinate with the DNR to assure the two agencies do not require duplicative paperwork from UST owners/operators.

6) Statutory and regulatory citations in the rule are accurate; no other text is incorporated by reference.

7) Small businesses benefit from being able to obtain affordable pollution liability coverage by participating in the Petroleum Storage Tank Insurance Fund; the continued existence of the rule is justified.

8) No comments were received.

10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks

1) The rule is necessary to explain how owners and operators of aboveground storage tanks can apply for and obtain coverage from the board.

2) The rule was last amended in 2018. It is not obsolete.

3) The rule does not overlap with, duplicate, or conflict with any other rules.

4) No alternative language or means of more narrowly tailoring the rule were identified.

5) The board's rule for AST owners/operators matches the board's rule for UST owners/operators discussed above. Subsections (2)(D) and (E) of the rule specifies what documents must be submitted by AST owners/operators to obtain coverage and/or renew it annually. The board has been diligent about coordinating its paperwork requirements with the Missouri Department of Agriculture (MDA) to avoid duplication. The board will continue to coordinate with the MDA to assure the two agencies do not require duplicative paperwork from AST owners/operators.

6) Statutory and regulatory citations in the rule are accurate; no other text is incorporated by reference.

7) Small businesses benefit from being able to obtain affordable pollution liability coverage by participating in the Petroleum Storage Tank Insurance Fund; the continued existence of the rule is justified.

8) No comments were received.

10 CSR 100-5.010 Claims for Cleanup Costs

1) The rule remains necessary.

2) The rule was last amended in 2018. It is not obsolete.

- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) Staff identified alternate language that might clarify for claimants and their environmental consultants which costs are eligible for reimbursement from the fund and still adequately protect the public and accomplish the same statutory purpose. The board will consider altering the language in the next twelve months.
- 5) Staff identified an amendment that might reduce the regulatory burden on participants that utilize provisions of § 319.131.8(1), RSMo, for releases occurring prior to applying for and being accepted into the Fund. The board will consider amending the language in the next twelve months.
- 6) Statutory and regulatory citations in the rule are accurate; no other text is incorporated by reference.
- 7) Significant economic benefits accrue to all Missourians, including small businesses, from the board's reimbursement of costs to clean up tank sites; the continued existence of the rule is justified.
- 8) No comments were received.

10 CSR 100-5.020 Claims Appeal Procedure

- 1) The rule remains necessary because it provides a means for resolving disputes over the amount of money reimbursed by the board's staff and agents without the need for the participant to employ an attorney.
- 2) Though it has been in effect since 1999, the rule is not obsolete.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) Other than deadlines for appeal, the rule imposes no requirements. The board believes the deadlines are reasonable. Please note the rule also specifies deadlines for response by the board and its staff.
- 6) The one statutory citation is accurate; no other text is incorporated by reference.
- 7) The rule provides a benefit by establishing an explicit procedure for administratively resolving certain monetary disputes that may arise between Fund participants and the board or its staff thus benefiting all Missourians, including small businesses.
- 8) No comments were received.

10 CSR 100-5.030 Third-Party Claims

- 1) The rule remains necessary.
- 2) The rule was last amended in 2018. It is not obsolete.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) The rule is mostly informative; it imposes no particular regulatory burdens.
- 6) The one regulatory citation is accurate; no other text is incorporated by reference.
- 7) The rule contains reasonable and flexible procedural requirements for accessing third-party claim coverage provided by the board.
- 8) No comments were received.

10 CSR 100-6.010 UST Operator Training

- 1) The rule remains necessary.
- 2) This rule was last amended in 2018. It is not obsolete.
- 3) The rule does not overlap with, duplicate, or conflict with any other rules.
- 4) No alternative language or means of more narrowly tailoring the rule were identified.
- 5) The rule was initially designed to minimize the regulatory burden and cost imposed on underground storage tank owners and operators. Experience indicates it has done so; no opportunities for improvement in that regard were identified.
- 6) Regulatory citations in the rule are accurate; no other text is incorporated by reference.
- 7) Unless/until federal requirements are changed, the continued existence of the rule is necessary to maintain the state's primacy in regulating underground storage tanks.
- 8) No comments were received.